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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,374	09/04/2001	Kazuhiko Taira	213593US2S	1276
22850	7590	06/01/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				NGUYEN, HUY THANH
ART UNIT		PAPER NUMBER		
				2621

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/944,374	TAIRA ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 9-13 and 16-22 is/are allowed.
- 6) Claim(s) 1-8, 14, 15, 23 and 24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 September 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 9/4/01, 3/8/04, 6/7/04
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-6 are objected to because of the following informalities: The recitation "medium can record" is unclear. How can a medium itself record data? Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-6 direct to information stored on a medium. Since the information do not provide any functional interrelationship to the medium to access and control the medium to read out the information from the medium or impart to any software or hardware structural components to provide certain function that is processed by a computer, the information resided on the medium do not make them statutory. See MPEP 2100.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al (6,308,006).

Regarding claim 1, Yamada discloses an information medium which can record together multi-standard data (video data and audio data) managed in units of files by file management information , wherein integrated management information ( audio manager ) that integrates and manages mixed reproduction of the multi-standard data can be recorded (Figs. 5--8) .

Regarding claim 2 , Yamamoto teaches medium according to claim 1, wherein the integrated management information is a file managed by the file management information (Fig. 5 and 7).

Regarding claim 3, Yamada discloses an information medium (Fig. 5) which has a recording area that can record a plurality of kinds of data coded based on any of no less than two different standards (audio standard and vide standard) , the recording area including:

a first management information recording area which can record first management information that manages first data coded based on a first standard of the no less than two different standards;

a second management information recording area 20 which can record second management information that manages second data coded based on a second standard of the no less than two different standards; and an integrated management information recording area which can record integrated management information that manages the first management information and second management information together (Fig. 5, columns 9-10) .

Regarding claim 4, Yamada further teaches the medium according to claim 3, further including an area for storing hierarchical file structure information of data files including an integrated management information file that stores the integrated management information, a first management information file that stores the first management information, and a second management information file that stores the second management information (Fig. 5).

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumagari (Yamada et al (6,308,006).

Regarding claims 1, 3 and 5, Tsumagari (Fig. 5 , column 11 and 12 discloses an information medium which has a recording area that can record a plurality of kinds of data coded based on any of no less than three different standards ( audio standard , video standard and computer data standard , text standard and still picture standard , the recording area including:

a first management information recording area which can record first management information that manages first data coded based on a first standard of the no less than three different standards;

a second management information recording area which can record second management information that manages second data coded based on a second standard of the no less than three different standards;

a third management information recording area which can record third management information that manages third data coded based on a third standard of the no less than three different standards; and

an integrated management information recording area which can record integrated management information that manages the first management information, second management information, and third management information together, the first data being able to contain video contents, the second data being able to contain audio contents, and the third data being able to contain arbitrary contents (Fig. 5, column 11).

Regarding claims 2, 4 and 6, Tsumagari discloses a medium according to claim 5, further including an area for storing hierarchical file structure information of data files including an integrated management information file that stores the integrated management information, a first management information file that stores the first management information, a second management information file that stores the second management information, and a third management information file that stores the third management information (Fig. 5) .

7. Claims 1-4,14-15 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al (6,308,006).

Regarding claim 1, Yamamoto discloses an information medium which can record together multi-standard data managed in units of files by file management information, wherein integrated management information that integrates and manages mixed reproduction of the multi-standard data can be recorded (Figs. 6-8).

Regarding claim 2, Yamamoto teaches medium according to claim 1, wherein the integrated management information is a file managed by the file management information.

Regarding claim 3, Yamamoto discloses an information medium (Fig. 5-9, column 10-11) which has a recording area that can record a plurality of kinds of data (audio data and video data) coded based on any of no less than two different standards,

the recording area including:

a first management information recording area which can record first management information that manages first data coded based on a first standard of the no less than two different standards (column 9) ;

a second management information recording area which can record second management information that manages second data coded based on a second standard of the no less than two different standards (column 9) ; and an integrated management information recording area which can record integrated management information that manages the first management information and second management information together (column 10, column 23, lines 40-65).

Regarding claim 4, Yamamoto further teaches the medium according to claim 3, further including an area for storing hierarchical file structure information of data files including an integrated management information file that stores the integrated management information, a first management information file that stores the first management information, and a second management information file that stores the second management information (columns 9-10, Fig. 8).

Regarding claim 14, Yamamoto discloses a reproduction method for reproducing mixed-recorded contents information from an information medium on which no less than two kinds of multi-standard contents information managed in units of files by file management information, and contents management information thereof are recorded together, and integrated management information that integrates and manages a reproduction sequence of these pieces of mixed-recorded contents information is recorded as a file, comprising:

acquiring the integrated management information from the information medium; reading out reproduction unit information of a standard to be accessed by extracting reproduction unit information indicating an arbitrary reproduction period of each multi-

standard contents information in turn from the acquired integrated management information (column 11); and

reading out the contents information corresponding to the standard to be accessed from the information medium in accordance with the readout reproduction unit information of the standard to be accessed (column 11).

Regarding claim 15, Yamamoto further teaches a method according to claim 14, wherein when the readout reproduction unit information of the standard to be accessed is reproduction unit information of a reproduction incompatible standard, an access process to contents information corresponding to the reproduction unit information of the reproduction incompatible standard is skipped.

Regarding claim 23, Yamamoto discloses a reproduction apparatus (Figs. 8,10, columns 11-12) for reproducing mixed-recorded contents information from an information medium on which no less than two kinds of multi-standard contents information managed in units of 5 files by file management information, and contents management information thereof are recorded together, and integrated management information that integrates and manages a reproduction sequence of these pieces of mixed-recorded contents information is recorded as a file, comprising:

an acquisition section configured to acquire the integrated management information from the information medium (column 11, lines 25-35, column 12, lines 9-29, column 12, lines 30-52) ;

a reproduction unit information read-out section configured to read out reproduction unit information of a standard to be accessed by extracting reproduction unit information indicating an arbitrary reproduction period of each multi-standard contents information in turn from the integrated management information acquired by said acquisition section; and

a contents information read-out section configured to read out the contents information corresponding to the standard to be accessed from the information medium in accordance with the reproduction unit information of the standard to be accessed read out by said reproduction unit information read-out section (column 11, lines 45-554, column 12, lines 20-30, column 12, lines 12, lines 45-67).

Regarding claim 24, Tsutsui further teaches a section configured to, when the readout reproduction unit information of the standard to be accessed is reproduction unit information of a reproduction incompatible standard, skip an access process to contents information corresponding to the reproduction unit information of the reproduction incompatible standard since Tsutsui teaches that the reproduction of each standard is controlled by a respective management and each standard can be reproduced alone or with other standard .

8. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsutsui (6,049,571).

Regarding claim 7, Tsutsui teaches a data processing method (Fig. 14, column 17, lines 25-41, column 20, lines 1-40) or reproducing recorded data from an

information medium on which multi-standard data managed in units of files by file management information are recorded together (Figs. 11 and 12), comprising:

reading out the file management information from the information medium;

extracting directory information of data files recorded in the information medium from the readout file management information, and storing the directory information;

checking a file type in specific directory information from the stored directory information; and outputting, if it is determined as a result of checking that no less than two different multi-standard data files are present, information indicating that the multi-standard data are recorded together on the information medium (Fig. 14, column 17, lines 25-41, column 20, lines 1-40).

Regarding claim 8, Tsutsui discloses a method according to claim 7, wherein if it is determined as a result of checking that no less than two different multi-standard data files are present, information indicating a mixed combination state of the multi-standard data recorded together on the information medium is output (Fig. 14, column 17, lines 25-41, column 20, lines 1-40).

***Allowable Subject Matter***

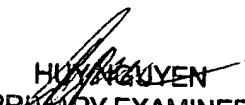
9. Claims 9-13 and 16-22 are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

  
HUY N. NGUYEN  
PRIMARY EXAMINER